



PATENT

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

APPLICANT: Yaochu Jin et al.

APPLICATION NO.: 10/007,734

FILING DATE: November 9, 2001

TITLE: APPROXIMATE FITNESS FUNCTIONS

EXAMINER: Unassigned

COPY OF PAPERS
ORIGINALLY FILED

GROUP ART UNIT: 2122

ATTY. DKT. NO.: 6445

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner For Patents, Washington DC 20231, on the date shown below:

Dated: 13 March 2002

By: John T. McNelis
John T. McNelis, Reg. No.: 37,186

BOX MISSING PARTS
COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING
PARTS OF APPLICATION**

SIR:

Responsive to the Notice to File Missing Parts dated January 14, 2002 received in the above-identified patent application,

Enclosed are:

- a copy of the Notice to File Missing Parts;
- an original, signed Declaration;
- an original, signed Power of Attorney;
- an Application Data Sheet;
- payment in the amount of \$130.00 for the
- application filing fee;

fee for additional claims; and
 missing parts surcharge.
 Other
 Applicant claims small entity status under 37 C.F.R. § 1.27.

Respectfully submitted,
YAOCHU JIN

Dated: 13 March 2002

By: John T. McNelis
John T. McNelis, Reg. No.: 37,186
Fenwick & West LLP
Two Palo Alto Square
Palo Alto, CA 94306
Tel.: 650-858-7133
Fax: 650-494-1417



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/007,734	11/09/2001	Yaochu Jin	6446

00758

FENWICK & WEST LLP
 TWO PALO ALTO SQUARE
 PALO ALTO, CA 94306

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CONFIRMATION NO. 4963

FORMALITIES LETTER



OC00000007305599

Date Mailed: 01/14/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

QW
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

APPLICANTS: Yaochu Jin and Bernhard Sendhoff

APPLICATION NO.: 10/007,734

FILING DATE: November 9, 2001

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TITLE: Approximate Fitness Functions

EXAMINER: not yet known

GROUP ART UNIT: 2122

ATTY. DKT. NO.: 6445

CERTIFICATE OF MAILING

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Dated: 13 March 2002

By: John T. McNelis
John T. McNelis, Reg. No.: 37,186

COMMISSIONER FOR PATENTS
OFFICE OF INITIAL PATENT EXAMINATION
CUSTOMER SERVICE CENTER
WASHINGTON, DC. 20231

REQUEST FOR CORRECTED FILING RECEIPT

SIR:

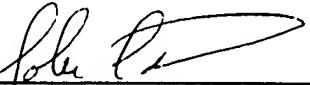
Enclosed is a copy of the Official Filing Receipt. It contains the following error:

1. The attorney docket number is erroneously stated as 6446. The correct attorney docket number is 6445, as evidenced by the New Utility Patent Application Transmittal, a copy of which is enclosed.

Please issue a corrected Filing Receipt rectifying this error.

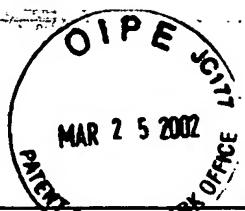
Respectfully submitted,
YAOCHU JIN, BERNHARD SENDHOFF

Dated: 13 March 2002

By: 

John T. McNelis, Reg. No.: 37,186
Fenwick & West LLP
Two Palo Alto Square
Palo Alto, CA 94306
Tel.: (650) 858-7133
Fax.: (650) 494-1417

23077/06445/DOCS/1243053.1



**COPY OF PAPERS
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PTO/SB/21 (modified)

Approved for use through xx/xx/xx, OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<p>0001/PTO  U.S. Department of Commerce Rev. 10/95 Patent and Trademark Office</p> <p>TRANSMITTAL FORM</p> <p><i>(to be used for all correspondence during pendency of filed application)</i></p>		Application Number	10/007,734
		Filing Date	November 9, 2001
		First Named Inventor	Yaochu Jin
		Group Art Unit Number	2122
		Examiner Name	Unassigned
Total Number of Pages in This Submission	14	Attorney Docket Number	6445

ENCLOSURES *(check all that apply)*

REMARKS:

SIGNATURE OF ATTORNEY OR AGENT

Signature:			
Attorney/Reg. No.:	John T. McNelis, Reg. No. 37,186	Dated:	13 March 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

Signature:			
Typed or Printed Name:	John T. McNellis	Dated:	13 March 2002
Express Mail Mailing Number (optional):			

MAR 25 2002

COPY OF PAPERS
ORIGINALLY FILEDPTO/SB/17 (10-01)(modified)
OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0002/PTO(modified)
Rev. 10/2001U.S. Department of Commerce
Patent and Trademark Office

FEE TRANSMITTAL

TOTAL AMOUNT OF PAYMENT

Subtotal (1) + Subtotal (2) + Subtotal (3) = **(\$ 130.00)**

		Complete if Known	
Application Number	10/007,734		
Filing Date	November 9, 2001		
First Named Inventor	Yaochu Jin		
Group Art Unit	2122		
Examiner Name	Unassigned		
Attorney Docket Number	6445		

METHOD OF PAYMENT

FEE CALCULATION (continued)

1. The Commissioner is hereby authorized to:

Charge the indicated fees to the below mentioned deposit account.

Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. †

Applicant claims small entity status
See 37 CFR 1.27

Deposit Account Number: 19-2555
Deposit Account Name: FENWICK & WEST LLP

A Duplicate Copy of this authorization is attached

2. Payment Enclosed:

Check Credit Card Other

FEE CALCULATION (fees effective 10/01/2001)

1. FILING FEE

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
101/\$740	201/\$370	Utility Filing	<input type="text"/>
106/\$330	206/\$165	Design Filing	<input type="text"/>
108/\$740	208/\$370	Reissue	<input type="text"/>
114/\$160	214/\$80	Provisional Filing	<input type="text"/>
SUBTOTAL (1)		(\$ 0)	

2. CLAIMS

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description
103/\$18	203/\$9	Claims in excess of 20
102/\$84	202/\$42	Independent claims in excess of 3
104/\$280	204/\$140	Multiple dependent claim
109/\$84	209/\$42	Reissue independent claims over original patent
110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent

3. ADDITIONAL FEES

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
105/\$130	205/\$65	Surcharge - late filing fee or oath	<input type="text"/> 130
127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	<input type="text"/>
147/\$2,520	147/\$2,520	For filing a request for reexamination	<input type="text"/>
115/\$110	215/\$55	Extension for response within first month†	<input type="text"/>
116/\$400	216/\$200	Extension for response within second month†	<input type="text"/>
117/\$920	217/\$460	Extension for response within third month†	<input type="text"/>
118/\$1,440	218/\$720	Extension for response within fourth month†	<input type="text"/>
128/\$1,960	228/\$980	Extension for response within fifth month†	<input type="text"/>
119/\$320	219/\$160	Notice of Appeal	<input type="text"/>
141/\$1,280	241/\$640	Petition to revive unintentionally abandoned application	<input type="text"/>
142/\$1,280	242/\$840	Utility Issue Fee (Or Reissue)	<input type="text"/>
143/\$480	243/\$230	Design Issue Fee	<input type="text"/>
122/\$130	122/\$130	Petitions to the Commissioner	<input type="text"/>
126/\$180	126/\$180	Submission of Information Disclosure Statement	<input type="text"/>
179/\$740	279/\$370	Request for Continued Examination (RCE)	<input type="text"/>
581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	<input type="text"/>
146/\$740	246/\$370	Filing a submission after final rejection (37 CFR 1.129(a))	<input type="text"/>
149/\$740	249/\$370	For each additional invention to be examined (37 CFR 1.129(b))	<input type="text"/>
Other fee (specify):			<input type="text"/>
Other fee (specify):			<input type="text"/>
SUBTOTAL (3)		(\$ 130)	

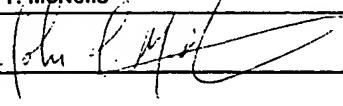
(Col. 1)	(Col. 2)	(Col. 3)			
For	No. of Existing Claims	Highest No. Previously Paid For	Extra**	Fee	Fee Due
TOTAL	11	minus* 20 or 0	= 0	x	= 0
INDEP	1	minus* 3 or 0	= 0	x	= 0

[] First presentation of multiple dependent claim

* Subtract the greater number of Col. 2

** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

SUBTOTAL (2) **(\$ 0)**

SUBMITTED BY		Complete (if applicable)	
Typed or Printed Name	John T. McNelis	Reg. Number	37,186
Signature		Date	13 March 2002

† Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby

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ORIGINALLY FILEDPlease type a plus sign (+) inside this box →

PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
**NEW UTILITY
PATENT APPLICATION
TRANSMITTAL**
(applicable for new nonprovisional applications under
37 CFR 1.53(b))

Attorney Docket Number	6445-1
First Named Inventor	Yaochu Jin
Title	APPROXIMATE FITNESS FUNCTIONS
Express Mail Label No.	EL566290443US

APPLICATION ELEMENTS

1. Fee Transmittal Form (in duplicate)

2. Applicant claims small entity status.
See 37 CFR 1.27

3. Specification **Total Pages**
(preferred arrangement set forth below)
 Descriptive Title of the Invention
 Cross Reference(s) to Related Case(s)
 Statement Regarding Fed sponsored R & D
 Background of the Invention
 Brief Summary of the Invention
 Brief Description of the Drawing(s)
 Detailed Description
 Claim or Claims
 Abstract of the Disclosure

4. Drawing(s) (35 U.S.C. 113) **Total Sheets**

5. Oath or Declaration
a. New Declaration **Total Pages**
 Executed (original or copy)

b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
i. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).

6. Application Data Sheet. See 37 CFR 1.76

ACCOMPANYING APPLICATION PARTS

7. Assignment Papers (cover sheet & document(s))

8. Certified Copy of Priority Document(s) (if foreign priority is claimed)

9. Power of Attorney or Authorization of Agent

10. 37 CFR 3.73(b) Statement

11. Preliminary Amendment

12. Information Disclosure Statement & PTO-1449
 Copies of IDS Citation(s)

13. Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form
PTO/SB/35 or its equivalent

14. Return Postcard

15.

16.

17.

ADDRESS TO:
 Box Patent Application
 Commissioner for Patents
 Washington, D.C. 20231

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No: _____ / _____

Prior application information: Examiner: _____ Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS
 Customer Number and Bar Code
Label

00758

Name (Print/Type)	John T. McNelis	Registration No. (Attorney/Agent)	37,186
Signature		Date	9 Nov. 2001



MAR 25 2002

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Page 1 of 2

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/007,734	11/09/2001	2122	740	6446	6	11	1

RECEIVED

JAN 18 2002

FENWICK & WEST LLP

00758
FENWICK & WEST LLP
TWO PALO ALTO SQUARE
PALO ALTO, CA 94306

CONFIRMATION NO. 4963

FILING RECEIPT



OC000000007305598

Date Mailed: 01/14/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Yaochu Jin, Rodgau, GERMANY;
Bernhard Sendhoff, Oberhausen, GERMANY;

Domestic Priority data as claimed by applicant

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 00124825.1 11/14/2000

If Required, Foreign Filing License Granted 01/14/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Approximate fitness functions

Preliminary Class

706

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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